

H. B. No. 559, A bill to be entitled "An Act creating the Barnhart Independent School District in Irion county, Texas, etc., and declaring an emergency."

And find them correctly engrossed.

DENTON, Chairman.

#### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 507, "An Act to reorganize the Thirty-second, Thirty-ninth and Seventieth Judicial Districts so as to declare what counties compose the Thirty-second, Thirty-ninth and Seventieth Judicial Districts; to fix the time for holding court in the various counties of said districts; to make all process issued to serve before this act takes effect, including recognizances and bonds returnable to the terms of court as herein fixed and continuing in office judges and district attorneys in each of said districts; to repeal all laws in conflict herewith, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:40 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 28, "An Act to amend Article 1164 of the Revised Civil Statutes of the State of Texas as amended by Chapter 102 of the Acts of the Regular Session of the Thirty-fourth Legislature, found at page 156 of the printed Session Acts, relating to the employment or use of the stock, means, assets and other property of corporations, and declaring for what purposes the same may be used; penalizing the officers or agents or employees of such corporations or other organizations who wrongfully use the moneys, means or assets contributed thereto, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:40 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 34, "An Act constituting the several district judges of counties of certain population a juvenile board of such county, and prescribing the powers and duties of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers, and allowing the said district judges an additional salary to be paid out of the general fund of such county, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:40 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

#### TWENTY-SIXTH DAY.

(Continued.)

(Tuesday, February 13, 1917.)

The House met at 10 o'clock a. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 200 ON SECOND READING.

On motion of Mr. Holland, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 200, A bill to be entitled "An Act to amend Article 2308, Chapter 5, Title 41, Revised Civil Statutes of Texas, 1911, relating to venue of suits in justice courts, by adding thereto at the end of Subdivision 4 thereof, 'Providing that in all suits to recover for labor performed or any kind of personal service rendered may, at the option of plaintiff, be brought and maintained where such labor is performed or personal service rendered,' and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

(Mr. Mendell in the chair.)

Mr. Woods offered the following amendment to the bill:

Amend House bill No. 200 by adding at the close of Section 1 the following: "In every suit commenced in a county or precinct other than the county or pre-

cinct in which the defendants or one of them may reside, it shall be affirmatively shown in the citation or pleading (if any) that such suit comes within one of the exceptions named in this act."

The amendment was adopted.

House bill No. 200 was then passed to engrossment.

Mr. Holland moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 86 ON SECOND READING.

On motion of Mr. Beard of Harris, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 86, A bill to be entitled "An Act to amend Article 1507 of the Penal Code of the State of Texas, 1911, so as to permit boxing contests of not over ten rounds, when held under the auspices of athletic clubs, chartered by the laws of this State, maintaining well equipped gymnasiums, in cities of over twenty-five thousand population, determined by the last United States census."

The Speaker laid the bill before the House, and it was read second time.

Mr. Baker offered the following amendment to the bill:

Amend House bill No. 86 by striking out the enacting clause.

Mr. Beard of Harris moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—41.

Beard of Harris.	Miller of Austin.
Brown.	Miller of Dallas.
Burton of Tarrant.	Monday.
Canales.	Moore.
Carlock.	Morris.
Cates.	Nordhaus.
Clark.	Parks.
Cox.	Poage.
Dudley.	Roemer.
Dunnam.	Rogers.
Greenwood.	Sackett.
Haidusek.	Schlesinger.
Hardey.	Spradley.
Harris.	Swope.
Hartman.	Valentine.
Holland.	Walker.
Laas.	Williams
Lange.	of Brazoria.
Lowe	Williams
of McMullen.	of McLennan.
McFarland.	Wilson.
Martin.	Woodul.

Nays—80.

Bagby.	Murrell.
Baker.	Neeley.
Beard of Milam.	Neill.
Beasley.	Nichols.
Bedell.	O'Banion.
Bell.	O'Brien.
Bertram.	Osborne.
Blackburn.	Peddy.
Blackmon.	Peyton.
Blalock.	Raiden.
Bland.	Reeves.
Boner.	Russell.
Bryan.	Sallas.
Burton of Rusk.	Sentell.
Butler.	Schlosshan.
Cadenhead.	Seawright.
Cope.	Sholars.
Crudgington.	Smith of Hopkins.
Davis of Dallas.	Smith of Scurry.
Davis of Grimes.	Spencer of Nolan.
Davis	Spencer of Wise.
of Van Zandt.	Strayhorn.
De Bogory.	Taylor.
Dodd.	Templeton.
Fairchild.	Terrell.
Fitzpatrick.	Thomason
Florer.	of Nacogdoches.
Fly.	Thompson
Hawkins.	of Hunt.
Hill.	Thompson
Hudspeth.	of Red River.
Lacey.	Tillotson.
Laney.	Tilson.
Lanier.	Tinner.
Lee.	Trayler.
Lindemann.	Tschoepe.
McComb.	Upchurch.
McDowra.	Veatch.
McMillin.	White.
Meador.	Williford.
Mendell.	Woods.
Metcalf.	Yantis.

Present—Not Voting.

Beason.

Absent.

Bledsoe.	McCoy.
Bryant.	Pillow.
Denton.	Richards.
Estes.	Robertson.
Fisher.	Smith of Bastrop.
Johnson.	Thomas.
Low	
of Washington.	

Absent—Excused.

Jones.	Thomason
Pope.	of El Paso.
Scholl.	Wahrmund.
Stewart.	

Question recurring on the amendment, it was adopted.

Mr. Baker moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 50 ON SECOND READING.

On motion of Mr. Burton of Tarrant, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 50, A bill to be entitled "An Act to establish and create a criminal district court for Tarrant county; to provide for the jurisdiction of, and procedure in, said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers, and compensation of a judge of said court; depriving and divesting the district courts of Tarrant county of jurisdiction of all criminal cases; providing from and after the taking effect of this act for the transfer of all criminal cases from the district courts of the Seventeenth, Forty-eighth, and Sixty-seventh Judicial Districts of Tarrant county to the criminal district court of Tarrant county created by this act; providing that the county attorney, the sheriff, and the clerk of the district court of Tarrant county shall be the county attorney, sheriff and clerk of the district court, respectively, of the court created by this act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

Mr. Burton of Tarrant moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 339 ON SECOND READING.

On motion of Mr. Dunnam, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 339, A bill to be entitled "An Act to define a delinquent negro

child, and to regulate the treatment and control of same; providing for commitment of the delinquent and incorrigible negro juveniles in the State institution to be hereafter known as the State Training School for Negro Boys, located at Rusk, Henderson county, Texas; and to provide for the appointment by the Governor of six trustees, and defining the duties of said trustees; and providing that the trustees shall appoint a superintendent to manage said institution upon the advice and consent of the Governor, and fixing his salary, and providing further that the superintendent shall appoint such other officers and employes as may be necessary for the management of said institution by and with the consent of the board of trustees, and providing further that the board of trustees shall fix the salaries of employes and shall define their duties; and providing further that the board shall formulate by-laws, rules and regulations for the economic and efficient government and control of said institution having in view the object to be accomplished by this act, said by-laws, rules and regulations, when adopted by said board and approved by the Governor, shall become binding and of obligatory force upon the trustees, superintendent, subordinate officers, employes and inmates of said institution, and it shall be the duty of the trustees to see to the enforcement of said rules; and further providing for a public school at said institution as now provided for by Articles 2733 and 2734 of the Act of the Legislature of 1905; and providing further that the trustees appointed by the State Superintendent of Public Instruction, for the management of said public school at said institution, shall have full and complete control of said public school, and said board shall appoint a principal for the management of said school and such other teachers as may be necessary for the maintenance of said school, and said board of trustees shall be under the control and shall act and carry out the instructions given them by the State Superintendent of Public Instruction, and in the event that said trustees fail or refuse to carry out the instructions given them by the said Superintendent of Public Instruction of the State of Texas, then the State Superintendent of Public Instruction shall have the right to withhold the public funds that have or may be set apart for the payment of the teachers of said institution; and providing further that the trustees ap-

pointed by the State Superintendent for the management of said public school shall maintain a public school for the benefit of the colored children and appoint teachers for that purpose by the consent of the State Superintendent of Public Instruction; and providing that the Board of Prison Commissioners transfer to the trustees of the State Training School for Negro Boys all necessary grounds, lands and equipment now held under the supervision of said Board of Prison Commissioners at Rusk, Texas, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Bedell offered the following amendment to the bill:

Amend line 11, by striking out "Henderson" and inserting in lieu thereof "Cherokee."

The amendment was adopted.

Mr. Terrell moved to postpone further consideration of the bill until Tuesday, June 19, 1917.

The motion to postpone was lost.

Mr. Williford offered the following amendment to the bill:

Amend House bill No. 339, printed bill, Section 21, page 12, line 6, by striking out all of said section after the figures "1911."

The amendment was adopted.

House bill No. 339 was then passed to engrossment.

Mr. Dunnam moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the chair.)

#### SENATE BILL NO. 159 ON SECOND READING.

On motion of Mr. Peyton, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to a third reading.

S. B. No. 159, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated the sum of \$25,000, or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1917, and the further sum of \$45,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1918, to defray the expenses of the Department of the State Health Officer of the State of Texas in intensive rural health work and rural sanitation leading to the prevention and eradica-

tion of malaria, hookworm, typhoid fever, and other contagious diseases in the State of Texas; authorizing the State Health Office to supplement therefrom an amount appropriated or set aside by any county, or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund, or funds, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

(Mr. Bryan in the chair.)

Mr. Blalock moved the previous question on the passage of the bill to a third reading, and the main question was ordered.

Senate bill No. 159 was then passed to a third reading.

Mr. Peyton moved to reconsider the vote by which the bill was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 452 ON SECOND READING.

On motion of Mr. Beard of Milam, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 452, A bill to be entitled "An Act to reorganize the Twentieth Judicial District of Texas and to create the Eighty-third Judicial District of Texas, to fix the time of holding court in said districts and to provide for organizing grand juries at certain terms in said courts; to provide for the retention of the judge of the Twentieth Judicial District in office and for the appointment of a judge of the said Eighty-third Judicial District; to abolish the office of district attorney for the said Twentieth Judicial District, and to provide that the county attorneys of the said three counties of Milam, Robertson and Brazos shall perform the duties of the district attorney for said district; providing for the retention of the district clerks of said three counties in office; to diminish the civil and criminal jurisdiction of the county courts of Robertson and Brazos counties, and to conform the jurisdiction of the district court of said counties to said change; providing for the appointment of an official court reporter and to fix his compensation; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."



The Speaker laid the bill before the House, and it was read second time.

Mr. Beard of Milam offered the following amendment to the bill:

Amend House bill No. 452 by striking out "Eighty-third" wherever it occurs in the caption and the bill and insert in lieu thereof "Eighty-fifth."

The amendment was adopted.

House bill No. 452 was then passed to engrossment.

Mr. Beard of Milam moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### RECESS.

On motion of Mr. Tilson, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 228 ON SECOND READING.

On motion of Mr. Clark, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 228, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties, and provide for the salaries of the members of said faculty."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 544 ON SECOND READING.

On motion of Mr. Nordhaus, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 544, A bill to be entitled "An Act to amend Article 984 of the Revised Civil Statutes of Texas of 1911, so as to authorize cities and

towns to require the filling up, draining and regulating of any lot or lots, grounds, or yards or other places in the city or town which shall be unwholesome, or have stagnant water therein or from any other cause be in such condition as to be liable to produce disease; to cause or make inspection of all premises and to impose fine on the owners of houses under which stagnant water may be found or upon whose premises stagnant water may be found, and to pass such ordinances as they may deem necessary for the purposes aforesaid, and making, filling up, altering or repairing of all sinks and privies, and directing the mode and material for constructing them in the future, and for cleansing and disinfecting the same; and for cleansing of houses, buildings, yards or grounds of filth, carrion or impure or unwholesome matter of any kind, and to punish the owner or occupant violating the provisions of any ordinance so passed as aforesaid; and providing for the removal of weeds, rubbish, brush, etc., from lots, and empowering the city or town council, city commissioners, or other governing body of such city or town to make or cause such improvements to be made at the expense of the city on account of the owners, and to cause the expense of such improvements or work to be assessed on the real estate or lot or lots for or upon which work is done or improvements are made; and making provisions for notice to owners, and providing that a lien may be fixed upon such lot or lots, etc., for the improvement made, or caused to be made by the city or town, or for the work done, and also providing how the amounts expended in such improvements or work may be fixed, and providing for suit and foreclosure of the lien so given, and the rate of interest to be paid on amounts so expended, repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Nordhaus offered the following amendment to the bill:

Amend House bill 544, page 2, line 1, after the word "town" the following: "In cities of 35,000 population or over, the."

The amendment was adopted.

House bill No. 544 was then passed to engrossment.

Mr. Nordhaus moved to reconsider the vote by which the bill was passed to

engrossment, and to table the motion to reconsider.

The motion to table prevailed.

# HOUSE BILL NO. 130 ON SECOND READING.

On motion of Mr. Beason, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 130, A bill to be entitled "An Act creating the Criminal District Court of Galveston county, and defining the jurisdiction thereof; providing for a judge and clerk thereof and for their appointment and election; prescribing the duties of the county attorney of Galveston county, with respect thereto; prescribing the duties and emoluments of said officers and of the sheriff of said county in matters pertaining to said court, and providing for the transfer of all cases, papers and records of the 'County Court of Galveston County at Law' and of all felony cases and the papers and records in all felony cases from the Tenth and Fifty-sixth Judicial Districts to the Criminal District Court of Galveston county, and repealing Section 17 of an act entitled 'An Act to change the territorial limits of the Criminal District Court composed of Galveston and Harris counties, so as to hereafter include Harris county alone, and to establish and create within the limits of Harris county, Texas, a separate Criminal District Court for Harris county alone; to provide for the jurisdiction of and procedure in said court; to fix the term of the Criminal District Court of Harris county; to provide for the election, qualification, jurisdiction, duties, powers and compensation of a judge of said court; to provide for the election, qualification, powers, and compensation of a clerk and district attorney for said court; to provide for the appointment of assistants to the district attorney and deputy clerks, and to provide for their powers, duties and method of payment; abolishing the Criminal District Court of Galveston and Harris counties in so far as the same embraces the county of Galveston; and giving and restoring to the district and county courts of Galveston county jurisdiction of felony and misdemeanor cases, and providing for the transfer of cases from the criminal district court of Galveston county

to the district and county courts of said county, and giving the commissioners court of Galveston county authority to employ special deputy or district clerks or both, and providing the county attorney and his assistants shall conduct in the District County Court and County Court at Law the prosecutions and for fees to be received by such county attorney for such services, and providing for fees to be paid the county and district clerk and for the appointment of a special deputy county clerk, and for the payment of his services, and providing the county attorney for Galveston county, and his assistants, shall conduct all prosecutions in the District and County Court and County Court at Law of Galveston county and the fees to be received therefor, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency,' approved March 13, 1911, General Laws of the Thirty-second Legislature, Chapter 67 (Vernon Sayles' Texas Civil Statutes, Article 2201s), in so far as the same pertains to Galveston county, and repealing an act entitled 'An Act to create the "County Court of Galveston County at Law"; to define the jurisdiction thereof; providing for a judge and clerk thereof, the appointment and election of said judge; the appointment of jury commissioners; fixing the salary and fees of the judge and a prosecuting attorney for said court and the fees to be received by him, and for the transfer of cases to said court, and to conform to such change the jurisdiction of the county, and declaring an emergency.'"

The Speaker laid the bill before the House, and it was read second time.

Mr. Beason offered the following (committee) amendment to the bill:

Amend the bill on page 2 thereof, paragraph No. 3, by adding thereto the following: "Provided, the county attorney may employ two assistants, whose qualifications need not be the same as for county attorney."

Amend the bill on page 2 thereof, paragraph No. 4, by adding thereto the following: "Provided, that said clerk may receive a salary not to exceed one thousand dollars per year, to be paid by Galveston county."

The (committee) amendment was adopted.

Mr. Beason offered the following amendment to the bill:

Amend House bill No. 130, page 3, paragraph 7, of the printed bill by striking out the word "September," in line 36, and substituting in lieu thereof the word "October"; by striking out the word "December," in line 37, and substituting in lieu thereof the word "January;" and by striking out the word "April," in line 37, and substituting therefor the word "May."

The amendment was adopted.

The House refused to pass House bill No. 130 to engrossment.

Mr. Carlock moved to reconsider the vote by which the House refused to pass the bill to engrossment, and asked to have the motion to reconsider spread upon the Journal.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Senate bill No. 47.

The Senate has concurred in House amendments to Senate bill No. 83.

The Senate has passed the following bills:

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the 98th meridian and north of the 30th parallel; providing for the location of such College, its government, and the control of its finances; defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such College in military science and for the military discipline of all students; conferring upon the board of directors of said College the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said College, and declaring an emergency," with amendments.

S. B. No. 225, A bill to be entitled "An Act creating the Georgetown Independent School District in the County of Williamson, State of Texas; defining its boundaries; providing for a board of trustees to manage and con-

trol the public free schools within said district, and declaring an emergency."

Respectfully,

JOHN D. McCALL,

Secretary of the Senate.

#### HOUSE JOINT RESOLUTION NO. 31 ON SECOND READING.

On motion of Mr. De Bogory, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. J. R. No. 31, Proposing to amend the Constitution of the State of Texas by amending Article 5 thereof, pertaining to the judicial department of the State of Texas, fixing the date for the election to be held hereunder and making an appropriation to pay expenses of said election.

The Speaker laid the resolution before the House, and it was read second time.

Mr. De Bogory offered the following amendment to the resolution:

H. J. R. No. 31 shall be amended at line 12, page 1, of the printed resolution as follows: By adding after the word "election," in said line 12, the following: "Be it resolved by the Legislature of the State of Texas, That Article 5 of the Constitution be amended and substituted by the following:"

The amendment was adopted.

Mr. Carlock offered the following amendment to the resolution:

Amend House Joint Resolution, on page 1, line 25, by adding the following: "The decision of a majority of the court en banc shall constitute the judgment of said court."

The amendment was adopted.

Pending consideration of the resolution, Mr. Blalock occupied the chair temporarily.

Mr. Nordhaus moved the previous question on the resolution, and the motion was not seconded.

Mr. Terrell offered the following amendment to the resolution:

Amend House Joint Resolution No. 31, page 1, Section 3, line 34, by striking out the words "until otherwise provided by law," and inserting in lieu thereof the words "and no more."

The amendment was lost.

(Mr. Boner in the chair.)

Mr. Davis of Van Zandt offered the following amendment to the resolution:

Amend House Joint Resolution No. 31, page 1, lines 33 and 34, Section 3,

by striking out words and figures "five thousand dollars (\$5000) and until otherwise provided by law," and inserting in lieu thereof "seven thousand five hundred dollars (\$7500) and no more."

Question—Shall the amendment be adopted?

Mr. Metcalfe moved the previous question on the amendment and the engrossment of the resolution, and the motion was not seconded.

(Speaker in the chair.)

Mr. Carlock moved that further consideration of the resolution be postponed until 10 o'clock a. m. next Saturday, February 17, and that it be set as a special order for that hour.

The motion was lost.

On motion of Mr. Woods, further consideration of the resolution was postponed until 10 o'clock a. m. next Saturday, February 17.

#### HOUSE BILL NO. 46 WITH SENATE AMENDMENTS.

Mr. Bryant called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the 98th meridian and north of the 30th parallel; providing for the location of such college, its government, and the control of its finances; defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for the military discipline of all students; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Bryant, the House concurred in the Senate amendments.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 152, A bill to be entitled

"An Act to authorize and empower Lamar county or any political subdivision or defined district of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision or defined district thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds and provide a sinking fund for the redemption thereof, and for the maintenance of said roads during the life of such bonds for the purpose of construction, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 3 of the Special Acts of the Thirty-first Legislature and Chapter 15 of the Special Acts of the Thirty-second Legislature, and all other special road laws for Lamar county, and declaring an emergency."

S. B. No. 47, A bill to be entitled "An Act making appropriations for the support and maintenance of the Sam Houston Normal School, the San Marcos Normal School, the Denton Normal School and the Canyon City Normal School during the summer of 1917, and declaring an emergency."

S. B. No. 68, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage, in the transportation of petroleum oil; declaring all corporations, persons, partnerships, or associations of persons now engaged, or to hereafter engage in transporting petroleum oil from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways, and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons or corporations in



the conduct of their business; requiring them to exchange tonnage with other common carriers, and to receive and transport petroleum oil tendered to them for transportation; empowering said Commission to make rules and regulations for their conduct; and to require the construction and maintenance by them of loading racks and transfer and delivery stations, and the transfer and delivery of petroleum from such common carrier to another, and to fix the charges therefor, and to define merchantable oil, and to fix the amount of deduction to be made therefrom on account of water and other foreign substances, and on account of evaporation and leakage, and giving said Commission plenary power to make rules and regulations for the control of such carriers, and power to enforce their rules and regulations and the provisions of this act; fixing penalties for the violation of this act, and the rules and orders of said Commission; making certain violations a criminal offense, and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the Commission; fixing his salary and making an appropriation therefor; levying a tax to pay such salary and other expenses; repealing all laws in conflict with this act; providing that the invalidity of any part of this act shall not invalidate the remaining parts thereof, and declaring an emergency."

#### NOTICE GIVEN.

Mr. Cates gave notice that he would on next Friday, February 16th, call up the motion to reconsider the vote by which the House on last Saturday passed House bill No. 364, which motion to reconsider was on that day duly spread upon the Journal.

#### HOUSE BILL NO. 77 ON SECOND READING.

On motion of Mr. Woods, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 77, A bill to be entitled "An Act to authorize the Supreme Court to prescribe forms and rules and generally to regulate pleading, practice and procedure in the courts of the State of

Texas, and providing that as such rules are promulgated, all laws in conflict therewith shall be of no further force or effect."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

Mr. Woods moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 501 ON SECOND READING.

On motion of Mr. Denton, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 501, A bill to be entitled "An Act to make appropriation to cover the cost of permanent building and equipment of same for the use of the Texas State Quarantine Service at Sabine, Texas, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

Mr. Denton moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 404 ON SECOND READING.

On motion of Mr. Robertson, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 404, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to issue bonds or other evidences of indebtedness secured by a lien on the income of its property; prescribing the contents and effect thereof; providing for the purpose for which the money so secured may be used; providing for suit to test validity thereof and that decision therein shall be res adjudicata, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Sackett offered the following (committee) amendments to the bill:

(1)

Amend the bill by striking out all after the enacting clause and inserting the following:

"Section 1. That the Board of Regents of the University of Texas is hereby authorized at any time to empower the Treasurer of the State of Texas to collect and receive any part of the income of any property, real, personal or mixed belonging to the said University for a definite period of years, such income to be collected by the State Treasurer and held by him in a separate fund or all or any part thereof deposited in some State Depository at interest; that the moneys so collected together with interest thereon, if any, shall be applied by said Treasurer to the payment of principal and interest due on certificates or orders issued as hereinafter provided.

"Sec. 2. That the State Treasurer shall have the right to collect when due the principal upon any bonds or other evidences of indebtedness so committed to him, and shall under the direction of the said Board of Regents reinvest the same in any of the bonds named in Article 2740 of the Revised Statutes of Texas of 1911, or in bonds of the State of Texas or the United States, unless such bonds or evidences of indebtedness so collected were part of the permanent University fund referred to in Section 11 of Article VII of the Constitution, in which event the principal so collected shall be invested in bonds of the State of Texas if obtainable, if not then in bonds of the United States; and in like manner said Treasurer shall collect the income therefrom and hold, deposit and apply the same as herein provided. Said Treasurer shall also have the right to make leases for a period of not exceeding five years of any land belonging to said University, power to collect income from which is so committed to him, and to collect the income therefrom and apply it as herein provided for. The said Treasurer shall retain all rights herein given with respect to such property until all sums due upon such certificates shall have been paid, after which time said rights shall cease and the property shall be delivered and full control thereof shall be revested in the said Board of Regents free from the rights herein conferred.

"Sec. 3. The Board of Regents of the University of Texas is hereby authorized to issue certificates or orders in such an amount as that there will not be outstanding at any time a sum due on account of principal thereof ex-

ceeding two million dollars, which certificates shall be in convenient denominations, and shall entitle the holder thereof to be paid out of said income and interest held by the State Treasurer as provided by the preceding section the amounts named in the respective certificates, together with interest thereon, from the date of certificate until paid, at such rate not to exceed five per cent, as may be fixed by the said Board of Regents, said certificates to be payable on such date and to give such rights of payment before maturity as the said Board of Regents may fix. Said certificates shall be in the form prescribed by the Attorney General of the State and shall be in the nature of an order on the Treasurer of the State to pay the amount due thereon out of the fund consisting of income and interest thereon referred to in Section 1 of this act. Said certificates shall only have the effect to entitle the owner thereof to receive payment out of said fund, and said certificates shall not have the effect to fix a lien on any property except such income and such interest thereon nor to render the State nor any member of the said Board of Regents liable thereon. Said certificates shall be signed by the Chairman of the Board of Regents of the University of Texas and shall be registered by the State Treasurer. Said Board of Regents with the approval of the Attorney General shall have the right to insert in said certificates any provision or agreement not inconsistent with this act.

"Sec. 4. Said certificates shall from time to time as needed be sold by the said Board of Regents in the open market or they may be purchased by the State Board of Education for the benefit of the public school fund of the State of Texas or by banks organized under the laws of this State. Said certificates shall not be sold for less than par and accrued interest.

"Sec. 5. All moneys derived from the sale of said bonds or certificates shall be used and are hereby appropriated for the construction and equipment of permanent buildings for the use of the said University of Texas; or for purchasing land for the use of said University and for no other purpose.

"Sec. 6. Nothing in this act shall prevent the sale of any lands belonging to said University, and if any such land be sold after such certificates have been issued, the proceeds of such sale

shall be delivered to the State Treasurer and shall take the place of such land so sold and as fast as the principal thereof is collected same shall be invested in the bonds of the State of Texas, if obtainable, and if not then of the United States and shall be recognized as part of the permanent fund of the University. The interest collected thereon shall take the place so far as said certificates are concerned of the income from the land so sold. Upon sale of any such land and delivery to him of the proceeds of such sale the State Treasurer is authorized to execute a release freeing such land from any rights created under this act.

"Sec. 7. The Board of Regents may at any time secure a five-day option similar and subsequent to the ten-day option given the State Board of Education in said Article 2740, Revised Statutes of 1911, by filing with said State Board a request that all notices given thereto under said Article 2740 as to bids received for bonds be sent to the Board of Regents if said State Board decided not to purchase the bonds offered.

"Sec. 8. Receipt of money from the sale of said certificates shall be held to estop the said Board of Regents from denying the validity thereof.

"Sec. 9. Any citizen of Texas may bring suit in the district court of Travis county, Texas, to enjoin the issuance or sale of such certificates or orders and the decision of any such suit as to the issues presented therein shall be res adjudicata in any suit subsequently brought involving the validity of such certificates or orders. Any purchaser or prospective purchaser of such certificates may be made a party to such suit, but this shall not be necessary in order to make such decision res adjudicata.

"Sec. 10. The fact that there is no adequate law authorizing the said Board of Regents to issue or sell certificates as herein provided for, and that the Constitution prohibits an appropriation by the Legislature of the State for the erection of buildings for said University, and the further fact that the erection of temporary buildings will otherwise be necessary and will result in great loss of money and property, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act go into effect

immediately after its passage, and it is so enacted."

(2)

Amend the bill by striking out all the bill before the enacting clause and inserting the following:

"An Act to authorize the Board of Regents of the University of Texas to empower the Treasurer of the State of Texas to collect the income of any part of its property; to collect the principal on bonds or other evidences of indebtedness committed to him under the terms of this act when due and to reinvest the same in bonds under the direction of the said Board of Regents, to substitute income from proceeds of sale of lands for the income from the lands sold; to make leases of lands belonging to the said University of Texas; to authorize the said Board of Regents of the said University of Texas to issue and sell certificates or orders upon such income and interest thereon, prescribing the contents and effect thereof; providing for the purposes for which the money so secured may be used; providing that receipt of money therefrom shall estop the said Board of Regents from disputing the validity thereof; giving the Board of Regents option to purchase bonds similar to that given in Article 2740, Revised Statutes, 1911; providing for suit to test the validity thereof and that decision therein shall be res adjudicata; for the purchase thereof by the State Board of Education and by State banks, and declaring an emergency."

The (committee) amendments were adopted.

Mr. Robertson offered the following amendment to the bill:

Amend House bill No. 404 by adding Section 9 1-2 as follows:

"Section 9 1-2. The proceeds of sale of said certificates shall be expended as herein fixed for the University of Texas at Austin and Galveston. This bill shall not affect the right of any branch of said University to any portion of the land belonging thereto after such certificates have been paid."

Question—Shall the amendment be adopted?

On motion of Mr. Robertson, further consideration of the bill was postponed until 10 o'clock a. m., next Friday, February 16th.

HOUSE BILL NO. 500 ON SECOND READING.

On motion of Mr. Raiden, by unanimous consent, the regular order of busi-

ness was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 500, A bill to be entitled "An Act to amend Articles 5305 and 5310 of the Revised Civil Statutes of 1911, so as to provide that the county surveyors shall file with the county clerk a certified copy of the field notes of all surveys made by them or their deputies; prescribing the time within which the same must be filed; providing for the record of such field notes by the county clerk and fixing a fee therefor; providing that commissioners courts shall furnish to the county clerk the necessary books for such recording; repealing Article 5307, Revised Statutes of 1911, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

Mr. Raiden moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 115 ON SECOND READING.

On motion of Mr. Neill, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 115, A bill to be entitled "An Act to amend Section 5 of an act entitled 'An Act to create a State Bonded Warehouse System, and to afford a method of co-operative marketing for those engaged in the production of farm and ranch products and for the purpose of effectuating this end and creating a Board of Supervisors of Warehouses; defining the authority of said board and giving it power of visitation over the corporations chartered under the act, etc.,' and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Tillotson offered the following (committee) amendments to the bill:

#### (1)

Amend House bill No. 115 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That an act passed by the Second Called Session of the Thirty-third Legislature, approved September 26, 1914, being an act "to provide a system of State bonded warehouses," be

and the same is hereby amended to read as follows; and any part or parts of the said act, approved September 26, 1914, in conflict herewith are hereby repealed:

Section 1. The purpose of this act is to develop a systematic plan for marketing farm and ranch products. To effectuate this purpose the State will encourage the organization of marketing warehouse corporations with policies intended to aid producers of such farm and ranch products in securing the highest market prices for their products.

Sec. 2. The administrative control of this act is vested in a Board of Marketing Warehouse Supervisors, composed of the Commissioner of Agriculture, the Commissioner of Insurance and Banking and the Superintendent of Marketing Warehouses, who shall be appointed by the Governor with the advice and consent of the Senate. The said board shall formulate all necessary rules to fulfill the purposes of this act, which shall be administered by and under the direction of the Superintendent of Warehouses.

Sec. 3. Any number of persons, not less than ten, at least fifty per cent of whom shall be identified with agriculture, horticulture or stock raising pursuits, and three-fourths of whom shall be citizens of Texas, may organize a corporation under the provisions of this act and secure a charter as public warehouse men.

Sec. 4. Applications for a charter for organizing a marketing warehouse corporation shall be filed with the Superintendent of Warehouses, and shall state the name, place or places where its business is to be conducted, its principal offices, purpose for which organized, term desired to exist, number of directors, which shall not be less than three nor more than twenty-five, with names and residences of those selected for the first fiscal year; the amount of capital stock, which shall not be less than one thousand (\$1000) dollars, divided into shares of five (\$5.00) dollars each. Such application shall be accompanied by affidavit of three applicants that all of the stock has been subscribed and 25 per cent paid in. And if any part of the capital stock has been paid in other than cash, then a detailed statement as to the kind, character and value of the property shall be made a part of the affidavit. The remainder of the capital stock shall be paid in not less than three equal annual installments.

Sec. 5. When the application for a



charter shall be approved by the Superintendent of Warehouses, the Secretary of State shall, upon the payment of the usual fees, provided, that no charter fee shall be less than ten (\$10.00) dollars, nor more than twenty-five (\$25.00) dollars, issue a charter to the corporation, and the Secretary of State shall record said charter and issue to the corporation a certificate of authority showing that it has complied with the laws of the State and authorizing it to do business until the last day of March of the following year; provided, however, that before said charter is delivered and said certificate of charter furnished, the corporation shall execute, by its proper officers, a bond payable to the State of Texas, the amount of such bond to be determined by the Superintendent of Marketing Warehouses, taking into consideration the capacity of the warehouse and the amount of business proposed and likely to be conducted, and such bond may be changed from time to time in accordance with the volume of business done or to be done. The bond may be that of a bonding and indemnity company authorized to do business in Texas, or the bond of private persons, in which event of individual bond such bond shall be renewed once each year, and the sufficiency of such bond shall be approved by the Superintendent of Warehouses before being filed. The conditions of such bond shall be to obligate the corporation to observe all provisions of this law, and such other laws as may be enacted by the Legislature governing said bonded warehouse, and shall be for the purpose of guaranteeing that the corporation will exercise ordinary care in storage, preserving and handling of all products entrusted to it for storage or sale, or both; and shall be for the purpose of guaranteeing, within approximate limits, the classification, weights, grades and measures made by the corporation. The bond herein provided for may be sued upon by any person sustaining damage by reason of any fault or dereliction of duty of said corporation, venue of which suit, however, shall be determined by the general venue statutes of the State. It shall not be necessary to make the State of Texas a party to such suit; nor shall one or more suits preclude further suits on the bond, but successive suits may be brought on said bond, until the same shall have been exhausted. Should the bond become impaired at any time, then the Superintendent of Ware-

houses shall require such impairment to be made good, and unless this is done within thirty days after notice is given, the Board of Supervisors shall have authority to proceed to close the doors of the corporation, liquidate and discharge its debts in the manner provided by law. In the event the Board shall take charge of such corporation it shall be empowered to collect by suit or otherwise the full amount of the bond, or so much thereof as is necessary, which, taken with other assets of the corporation, may be found sufficient to discharge its obligations.

Sec. 6. Corporations chartered hereunder shall have the right to erect, purchase or lease, and to operate warehouses, buildings, elevators, storage tanks, silos, and such other places of storage and security as may be necessary for the storage, grading, weighing and classification of cotton, wool, wheat, corn, rice, alfalfa, fruit, silage, and other farming, orchard and ranch products, and all weights, grades and classes shall be made in accordance with the standards of weights, grades and classes prescribed by law and by the Board of Supervisors. Before such corporation shall begin business, and in order to continue to transact business, the employe or officer in active management of its warehouse must have a certificate from the Board of Supervisors of Warehouses as a certified warehouseman. In order to receive such certificate such person must present satisfactory evidence to the Board that he is competent to discharge the duties of such position, the kind and character of evidence to be presented to the Board to be stated by the Board in the rules promulgated by it for such purposes. Upon presenting satisfactory evidence to the Board that he is qualified as a warehouseman the Board may issue to any applicant therefor a certificate showing that such applicant is a certified warehouseman, upon the payment of a fee of one (\$1.00) dollar for such certificate: Provided, however, that the life of any such certificate shall be two years, at the expiration of which time the applicant must obtain a new certificate.

Sec. 7. All charges for storage in warehouses operated under the provisions of this act in this State shall be subject to regulation by the Board of Supervisors of Warehouses, to the extent of fixing a maximum charge in any particular case, and the charges so reg-

ulated need not be the same at all places, but the Board may take into consideration the local conditions and the volume of business of each warehouse, provided that in fixing the charges for gin-compressed cotton, consideration shall be given to the size of the bale. The Board shall have the power to deny a permit to do business under this act when in its judgment there are sufficient warehouse facilities at the point where a new corporation may desire to do business. The Board shall have power to prohibit the storage of cotton or other inflammable commodities in an unsafe building, or require a storage house to be remodeled within a certain specified date so as not to unduly hamper the conduct of the business and the convenience of the public. The Board shall require fire insurance by blanket policies or individual policies in some solvent insurance company chartered under the laws of the State of Texas, or having a permit to do business in the State of Texas, to be carried by the warehouse corporations operating under this act and to require such other means and methods of protection from fire or weather or depreciation as the Board may deem necessary in each case. No fire, fire and marine, marine or inland insurance company, doing business in this State, shall expose itself to any risk, either upon buildings of any character or their contents, except when insuring cotton in bales and grain, in an amount exceeding ten per cent of the aggregate of its paid up capital stock and surplus, unless the excess shall be reinsured by such company in some other solvent insurance company legally authorized to do business in this State.

Sec. 8. Marketing warehouse corporations organized under the provisions of this act shall have authority to contract debts as have other business corporations. They shall have the right to act as warehousemen and charge for their services as such, and do and perform generally all things which may be done or performed by warehousemen. Such corporations shall also have the right to sell in the market all products of the ranch, orchard and farm on a commission basis, or such other basis as may be agreed upon by them with their customers, and shall have the right to purchase or construct or lease all such warehouses, landings and buildings as may be necessary for their business. They shall have the right to employ such other instrumentalities and agencies as may be necessary for the storing, preserving and marketing of farm, orchard and ranch

products to the best advantage of their members and customers; and such corporations shall have the right to loan money upon the products placed in their warehouses; provided, that the amount loaned thereon shall not exceed seventy-five per cent of the market value of the property so placed with them, except that they may loan eighty-five per cent of the then market value of cotton and wool placed with them. They shall have the right to loan money upon chattel mortgages, to their members only, for the purpose of enabling them to make and mature their crops, but such chattel mortgages shall always be upon property double the amount in value of money loaned thereon. They shall have authority to loan money on crop mortgages, but such crop mortgages must always be the first mortgage thereon, exclusive of the landlord's lien, and shall always be secured by an acreage which under the ordinary general conditions would produce double the amount loaned thereon. Corporations chartered hereunder may invest their capital stock and surplus in a home office building. Such corporations shall never have the right to receive deposits nor discount commercial paper generally, but may make such character of loans and investments as are herein provided for; provided, however, that such corporations shall never be permitted to loan money upon chattel mortgages, crop mortgages or personal security except to their members, and then only to enable them to make, mature and gather their crops or market such crops or ranch products. In addition to other powers conferred, corporations chartered hereunder shall have the authority to buy and sell all kinds of seeds, fertilizers and farm and household machinery in such manner as their by-laws may prescribe.

Sec. 9. It shall be the duty of the Board of Supervisors to prescribe all the forms of receipts, certificates and records of whatsoever description necessary in the conduct of warehouses under this act; but all such receipts, certificates and forms shall be drawn in accordance with the terms of this act.

All warehouse receipts shall be of uniform character in the same class as prescribed by the Board, and every receipt must embody within its written or printed terms:

- (a) The location of the warehouse where the goods are stored.
- (b) The date of issue of the receipt.
- (c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a special person or to a specified person or his order.

(e) The rate of storage charges.

(f) The description of the goods or the package containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly, or in common with others, the fact of such ownership; and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it. A statement of the fact that advances have been made or liabilities incurred and the purposes thereof is sufficient.

(j) It shall also state that the corporation guarantees under its bond the weight, classes and grades, within approximate limits, of the products for which their receipt may be given at the time of issuance of such receipt and at the elevation of the place where said warehouse is located.

(k) Said receipt shall also show the elevation above sea level of the warehouse.

A warehouseman, in addition to his common law liability, shall be liable to any person injured thereby for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Sec. 10. A negotiable receipt issued against goods or products stored in a warehouse under this act shall be negotiable and transferable by endorsement in blank by special endorsement and delivery in the same manner and to the same extent as bills of exchange and promissory notes now are, without any other formality; and the transferee or holder of such warehouse receipt shall be considered and held as an actual and exclusive owner to all intents and purposes of the property therein described, subject only to the lien and privilege of the warehouse for storage, insurance and other warehouse charges; provided, however, that all such warehouse receipts shall have the words "non-negotiable" plainly marked

or stamped on the face thereof shall be exempted from the provisions of this section.

Sec. 11. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable." A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of and person named in such receipt, is a negotiable receipt.

All receipts shall be numbered consecutively in the order of their issuance and a record of each receipt shall be kept at the office of the company. No two receipts bearing the same number shall be issued from the same warehouse during the same year, nor shall any duplicate receipt be issue, except in the case of a lost or destroyed receipt, in which case a new receipt shall bear the same date and number as the original and shall be plainly marked on its face "duplicate."

In addition to other provisions, each receipt shall have a blank form on the back thereof to be filled in and signed by the owner of the cotton or other products showing whether such cotton or other products is free from encumbrance or liens of any kind. If there is any landlord's lien or encumbrance or lien of any kind on said cotton or other products at the time of its storage, the amount of same shall be clearly set out; and it is made the duty of the manager issuing the receipt to have said blank filled in and signed by the owner of the cotton or other products before issuing a negotiable receipt for the same; provided, however, such statement may not be made if a non-negotiable receipt is desired.

When cotton grown on rented or leased premises is tendered for storage in a State warehouse, in addition to the foregoing requirements or receipts issued therefor shall be issued jointly in the name of the tenant and the landlord, showing their respective interests in such cotton, unless the tenant or person storing the same presents authority from the landlord or from the tenant, as the case may be, requesting the issuance of the receipt in the name of the one or the other.

If a person holding a non-negotiable



receipt shall desire to obtain a negotiable receipt in lieu thereof, he shall return said negotiable receipt to the warehouse issuing the same, and thereupon shall comply in every respect with the provisions of this act relating to negotiable receipts, and upon compliance with which a negotiable receipt shall be issued to him in lieu of said non-negotiable receipt and said non-negotiable receipt shall thereupon be cancelled, and the word "cancelled" plainly marked or stamped in ink across the face thereof.

No warehouse receipt shall be issued except on the actual previous delivery of the goods in the warehouse or on the premises and under the control of the manager thereof.

Sec. 12. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim, as stated in the notice, and of such further claim as shall accrue shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail; and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien is acquired, or if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has lapsed or advertisement of the sale, describing

the goods to be sold and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale shall be published in a newspaper in the place where such sale is to be held. Such publication shall be for not less than two weeks prior to the date of the sale, and no publication fee shall be charged in excess of the rate now allowed by statutes for the publication of legal notices. The sale shall not be held for less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein, one of which shall be at the courthouse of the county in which the warehouse is located.

From the proceeds of such sale the warehouseman shall satisfy his liens, including the reasonable charges of notice, advertisement and sale; the balance, if any of such proceeds shall be held by the warehouseman and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising, and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment, if he is a person entitled under the provisions of this act to the possession of the goods, on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Sec. 13. Upon the presentation and return to the warehouse of any public warehouse receipt issued by its manager, properly endorsed, and the tender of all proper warehouse charges upon the property represented by it, such property shall be delivered immediately to the holder of such receipt; but the manager of such warehouse who shall issue a receipt for cotton or other products shall not, under any circumstances, or upon any order or guaranty, deliver the property upon which said receipts issued until such receipts have been delivered and canceled, except in case of lost receipts.

Upon delivery of the goods in a warehouse upon any receipt, such receipt shall be plainly marked or stamped in



ink across the face with the word "canceled," together with the name of the manager cancelling the same, and shall thereafter be void and shall not again be put into circulation.

Sec. 14. The liabilities of a corporation chartered under this act shall be that of a public warehouseman, and it shall have the same rights as a public warehouseman including a lien for storage, insurance and other warehouse charges, as well as for charges for any service performed by it, and the corporation shall also have a lien for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooping and other charges and expenses in relation to such goods; and also all reasonable charges and expenses for notice and advertisement of sale of goods where sale has been made in satisfaction of the warehouseman's lien.

Sec. 15. Such marketing warehouse corporations may make such distribution of its profits among its members as may be determined by the by-laws adopted; provided, ten per cent of the net profit on each year's business shall be paid into a reserve fund until such fund shall equal the amount of the capital stock.

Sec. 16. The Board of Supervisors shall collect from every source available information concerning stock on hand and the probable yield of farm and ranch products, and disseminate the same; and it may establish agencies for the sale of farm, orchard and ranch products wherever it may be deemed advisable, in which event it is empowered to prescribe all regulations for the conduct of such agencies as may be found necessary.

Sec. 17. Every corporation organized under this act shall be amenable to and subject to all laws of the State governing corporations generally, except as may be provided herein.

Sec. 18. The Superintendent of Marketing Warehouses may call upon each bonded marketing warehouse corporation twice each year for a statement of its affairs, showing its assets and liabilities, and for such other information as may be deemed advisable, which report shall be made upon the oath of one managing officer of the corporation, attested by at least two directors; and the Superintendent of Warehouses shall, once each year, and at such other times as may be deemed necessary, cause to be made an examination of the business of such corporation, at the expense of the corporation. Such examination fee

shall be in proportion to the capital stock of the warehouse corporation; provided no fee shall be less than ten (\$10) dollars; and all sums collected as examination fees shall be deposited in the State Treasury to the credit of the general revenue fund. Payments by the Superintendent of Marketing Warehouses in the enforcing of this provision of this act shall be made upon the certificate of the State Superintendent of Warehouses by warrant of the State Comptroller upon the State Treasurer.

The landlords' lien on cotton shall continue so long as the cotton is on storage in any warehouse, whether the same be a warehouse operated under this act or a private warehouse, provided a negotiable receipt has not been issued therefor.

All existing warehouses incorporated under the laws of Texas may amend their charters so as to conform their corporate rights and privileges to the terms and provisions of this law and be permitted to operate under this law; but when they do so they shall in all respects conform to the provisions of this act.

Sec. 19. The standards of weights and measures of this State shall be the standards of weights and measures under the terms and provisions of this act. It shall also be the duty of the Board of Supervisors to establish standards, classification of cotton, corn and all other farm and ranch products of whatsoever kind and character which may be subject to classification, and the original of such standards so established shall be maintained subject to public inspection in the office of the board at all times; and duplications of said standards, as well as the standards of weights and measures shall be furnished by the Board of Supervisors to all who may apply therefor the payment of a necessary cost thereof. It shall be the duty of each public warehouse company to keep duplicates of said standards as well as the standard of weights and measures at its warehouse, subject to inspection and comparison of grades and classification by persons storing products; providing that the standards of classification shall always be the standards established by the government of the United States, or shall be the same as those used generally in this country. All public weighers in the State of Texas, as provided for in Title 132, Revised Civil Statutes, State of Texas, 1911, shall be under the supervision of the board, and all weights made by them shall be subject to the approval of the

board. In all cases where any discrepancy arises in the matter of weights and measures of cotton and other farm products, made between public weighers in different portions of this State, or between public and private weighers who weigh for the public, shall be subject to review by the board; and any party or parties who may be dissatisfied with the weights and measures of any public, or such private weigher, may appeal to the board and have such cotton or other farm products reweighed or remeasured, under the records, measures and scales of all public and private weighers, weighing cotton and other products, shall, at any and all times, be subject to inspection by the Superintendent, as herein provided; provided, first, that submission to and compliance with this section shall be an absolute prerequisite to the right to institute and maintain any action concerning the subject matter thereof, in any of the courts of this State; providing the authority herein conferred upon the board to review the weights shall not be construed as in any manner affecting the manner of selecting public weighers or of fixing the charges to the public of such public weighers.

Sec. 20. All gins operated in this State, whether by individuals, partnerships, joint stock companies or corporations, ginning cotton for commercial purposes, shall be known as ginners, and charged with the public use, and shall be required to obtain a license as licensed ginners, from the Board of Warehouse Supervisors, which license shall be renewed each year upon the payment of an annual fee of \$1.00. Applications for such license shall be made to the Superintendent of Warehouses, stating the location and capital of the gin, by whom owned and conducted, and the postoffice address of such owner or operator. Such application shall be accompanied by bond in the form prescribed by the Board. Such bond may be that of a bonding and indemnity company authorized to do business in Texas, or by private persons, and in the event of an individual bond, such bond shall be renewed once each year; provided, in no event shall a bond of less than two hundred and fifty dollars (\$250), or one dollar per bale, based upon the ginning of the previous year, be required; and provided further, that no bond shall exceed one thousand (\$1000) dollars for each gin such ginner may own; said bond shall be payable to the State of Texas for the use and benefit of all who may have a cause of action

against the maker thereof, under the terms and provisions of this act, and suit may be brought thereon against the maker thereof in any court of competent jurisdiction in the name of the aggrieved party without the necessity of binding the State in the suit, but venue of the suit shall be subject to the general venue statutes of the State. Said bond shall not be void on first recovery, but repeated suits may be brought on one bond until the amount of same has been exhausted, and when the bond has become impaired by reason of any judgment thereon, the maker thereof shall be required to give a new bond or make good the impairment; otherwise the Board shall cancel his license as a public ginner. The conditions and obligations in the bond shall be that the cotton ginned by the gin designated in the bond and in its application for license has been carefully ginned and that no foreign matter or substance has been placed in the cotton, nor has any water or anything that would increase the weight thereof been placed therein during the process of ginning or thereafter while the cotton was in possession of the gin, and that the gin will separate dirt from seed cotton; and that any sample of cotton taken from the bale during the process of ginning as provided in this act is a fair and true sample of the cotton in the bale.

Sec. 21. When requested to do so by the owner of the bale of cotton, which request shall be made in writing upon a blank to be furnished by the ginner, each licensed and bonded ginner under this act shall take from each bale of cotton one fair and true sample of the cotton in the bale, weighing not less than four nor more than six ounces, and shall wrap the same tightly in a sample wrapper to secure a reasonable degree of compactness. Such sample shall be taken in three draws as nearly as practicable representing the parts of a bale. With each sample of cotton there shall be placed a certificate under the signature of the ginner, that it is a fair and true sample as far as said ginner may be able to determine, and that the ginner guarantees no fraud was practiced in taking such sample and that it was taken from the bale in such manner as to secure a correct sample of the cotton in the bale. Whether or not a sample of the bale of cotton so ginned shall be requested and taken by the ginner, as provided herein, the ginner shall, nevertheless, place with each bale of cotton ginned by him a certificate guaranteeing under his bond that during

the process of ginning no water or foreign substance of any nature had been placed in such cotton or thereafter while the cotton was in possession of the ginner, with the intent to defraud; such certificate shall bear the name and address of the person for whom the cotton was ginned, the name and address of the ginner, the number of the bale on the books of the ginner and the weight of the bale at the gin.

Sec. 22. The Board of Supervisors of Marketing Warehouses in issuing a ginner's license, shall have the right to take into consideration the necessity for the operation of a gin at the place it is to be located; provided, nothing herein shall operate to prevent the licensing of gins now established. If the facts disclose that the ginning facilities afforded by gins already established are adequate for the reasonable demands of such place for the ginning of cotton, the Board shall have authority to refuse the license; provided, however, that on the presentation of a petition signed by not less than twenty-five (25) farmers, engaged in the production of cotton, living in the immediate vicinity, the Board shall issue such license. The Board shall have the right to take into consideration the ability of the applicant to do such ginning business as will afford all reasonable and necessary ginning facility, conveniences and service to the public; and it shall have the power and authority to require such facilities, conveniences and service to be afforded to the public; and the ginner's failure to comply with such requirements shall authorize the revocation of the license under which said gin is operating.

Sec. 23. The Board shall have the power and authority, and it shall be its special duty to enforce the different provisions of this law relating to ginner; and to regulate and control such cotton gins in all matters relating to the performance of their duties as such; fixing a reasonable minimum compensation for ginning, and for correcting abuses, and preventing unjust discrimination and extortion.

Sec. 24. The Board, in adopting rules and regulations, and fixing the price of ginning, shall be charged with the duty to take into consideration the interest of the producer and ginner; and the location and general condition as to labor and fuel in each locality shall be well considered by it. Furthermore, it shall be the duty of the Board to give hearings at all reasonable times to the ginner and producer alike, as to the service and compensation of ginner.

The Superintendent of Marketing Warehouses shall be chairman of the Board, and his chief clerk shall act as secretary of the Board, and keep all its records. The chairman and each member of the Board shall have power to administer all oaths, and certify to all official acts. If any gin, or gin owner, or other party at interest, be dissatisfied with the establishing, or decision, of any rules, regulations, charges or rates fixed or adopted by the Board, such dissatisfied party or parties may file with the Board a petition complaining thereof, and upon the filing of any such complaint the Board shall set a hearing to determine the same. And any such ginner complaining of the rate or rates fixed by the Board shall have the right to appeal to any court of competent jurisdiction. If any gin or gin owner, subject to this law, or it or his agent, or officer, shall hereafter charge, collect, demand or receive from any person, firm, association or corporation, a greater, less or different rate, charge or compensation, directly or indirectly, or by granting any bonus, reward, reduced price for bagging, ties or any other goods, or any favor, or other things of value similar to those named, than that fixed and established by the Board, under this act, then such gin or gin owner shall have it or his license as a licensed and bonded gin revoked, cancelled and annulled by the Superintendent of Marketing Warehouses, and the person, agent or officer so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred (\$500) dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

Sec. 25. Each bale of cotton ginned by a licensed and bonded ginner in this State shall be so wrapped that the bale will be completely covered when compressed; provided, that the ends of the bale shall be closed and well sewed; and provided, further, that the quality of the bagging shall at all times be such that markings thereon will, under ordinary conditions, remain intact and visible. The Board of Supervisors shall cooperate with the Federal government in all efforts promotive of greater uniformity in preparing cotton for the commercial markets.

Sec. 26. The Commissioner of Agriculture and the Commissioner of Insurance and Banking shall serve as members of the Board of Supervisors of Marketing Warehouses without additional



compensation, and the Superintendent of Warehouses shall receive an annual salary of twenty-five hundred (\$2500.00) dollars and shall be allowed all necessary traveling and other expenses when traveling in the performance of the duties imposed by this act. All expenditures, including all expenses of administering this department, shall be paid by warrants drawn by the Comptroller on the State Treasurer on accounts approved by the Superintendent of Marketing Warehouses. Office room to serve the requirements of the Superintendent of Warehouses shall be provided in the State Capitol.

Sec. 27. Any officer, agent or servant of a corporation chartered under this act who issues or aids in issuing a receipt, knowing that the goods for which such receipt is issued have not been actually received by such corporation, or are not under its control at the time of issuing such receipt, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for not exceeding three years, or by fine not exceeding \$5,000.00, or by both such fine and imprisonment.

Sec. 28. Any officer, agent or servant of a corporation chartered under this act who fraudulently issues, or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be guilty of a felony, and upon conviction shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding two years, or by fine not exceeding one thousand dollars (\$1000), or by both such fine and imprisonment.

Sec. 29. Any officer, agent or servant of a corporation chartered under this act who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods, or any part of them, is outstanding and uncanceled, without plainly placing on the facing thereof the word "duplicate," as provided for in the case of a lost or destroyed receipt, shall be guilty of a felony, and upon conviction shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding two years, or by fine not exceeding five thousand dollars (\$5000), or by both such fine and imprisonment.

Sec. 30. Where there are deposited

with or held by a corporation chartered hereunder goods owned by it, either solely or jointly, or in common with others, then any of its officers, agents or servants, who, knowing its ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of of felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for a period of time not exceeding one year, or by a fine of not exceeding one thousand (\$1000.00) dollars, or by both such fine and imprisonment.

Sec. 31. Any officer, agent or servant of a corporation chartered hereunder who delivers goods out of the possession of such corporation, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining possession of such receipt at or before the time of such delivery, shall, except in cases of lost or destroyed receipts, be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for a period of time not exceeding one year or by fine not exceeding one thousand (\$1000.00) dollars, or by both such fine and imprisonment.

Sec. 32. Any person who deposits goods with a corporation chartered hereunder, to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt, which he afterwards negotiates for value with intent to defraud, without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for a period of time not exceeding two years or by fine not exceeding five thousand dollars (\$5000), or by both such fine and imprisonment.

Sec. 33. Any person who wilfully and knowingly violates any of the provisions of this act for which a penalty is not otherwise provided, or who wilfully and knowingly does any act or thing prohibited by this act, for which no other penalty is herein provided, or who wilfully and knowingly fails to do any act or thing herein required of him by the provisions of this act and for which no other pen-



alty is herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding one thousand (\$1000.00) dollars, or by confinement in the county jail for any period of time not exceeding one year, or by both such fine and imprisonment.

Sec. 34. Any ginner or any agent, servant or employe of the corporation conducting the business of ginning cotton under the terms and provisions of this act, who, when requested to take a sample of cotton from the bale, shall knowingly and wilfully fail to make a true and correct sample of each bale of cotton ginned by him, as provided for in this act, and to label the same as provided for in this act, or who knowingly and wilfully takes an untrue, unfair and incorrect sample of any bale of cotton ginned by him, or who knowingly and wilfully mislabels any sample of cotton taken by him under the terms and provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five hundred (\$500.00) dollars.

Sec. 35. Each and every ginner and any officer, servant or employe of a corporation, person or gin company, conducting the gin business under the provisions of this act, who shall wilfully and knowingly plate a bale of cotton, which is to say, who shall wilfully and knowingly place on the outside of said bale a better grade and quality of cotton than on the inside of said bale, for the purpose of deceiving, or who shall knowingly gin wet cotton with the wilful intent to defraud, or any producer of a bale of cotton who shall, with wilful and premeditated intent to defraud, so prepare his cotton for ginning that a mixed packed bale shall result, shall be guilty of a felony, and upon conviction shall be punished by confinement in the State penitentiary for any period of time not exceeding two years, or by fine not exceeding five thousand (\$5000.00) dollars, or by both such fine and imprisonment, and each and every purchaser, or agent thereof, who knowingly and wilfully takes a sample from any bale of cotton on which a purchase is made and said sample is not a true and correct one, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars.

Sec. 36. If any particular section or part of any section of this act shall be held to be unconstitutional, such holding shall not invalidate any other portion thereof.

Sec. 37. The importance of the legislation proposed in this act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the said rule is so suspended, and that this act take effect from and after its passage, and it is so enacted.

(2)

Amend House bill No. 115 by striking out all of the caption and inserting in lieu thereof the following:

"A bill to be entitled An Act to amend and repeal an Act passed by the Second Called Session of the Thirty-third Legislature of Texas, being an act 'to provide a system of State bonded warehouses and to afford a method of co-operative marketing for those engaged in the production of farm\* and ranch products; approved September 26, 1914; and which amendments provide for warehouse and marketing system and the organization of corporations for that purpose; providing a board to administer the act and formulate necessary rules and regulations; for authority to such corporation to establish and operate public warehouses for the storage of farm and ranch products; authorizing the Board to regulate the charge for warehouses; authorizing the Board to prescribe uniform receipts and certificates for the conduct of such public warehousemen; authorizing such warehousemen to issue negotiable and non-negotiable receipts; directing the board to collect and disburse information relating to farm and ranch products and to establish agencies for such purpose; directing the Superintendent of Marketing and Warehouses to require reports from and make examination of such warehouses; providing for the landlord's lien on cotton stored in such warehouses; authorizing existing warehouses to conform to the provisions of this act; authorizing the Board of Supervisors to establish standards for the classification of cotton and all other farm and ranch products; providing that public weighers in Texas shall be under the supervision of the Board; providing that all cotton gins operated in the State shall be licensed and bonded, prescribing certain duties and obligations

of ginner, authorizing the Board of Supervisors to determine the rates to be charged for services to the public; providing for the manner of covering cotton ginned by such licensed ginner; providing for the appointment by the Governor of the Superintendent of Warehouses and for the salary of such officer; providing penalties generally for the performance of all duties required by this act."

Question—Shall the (committee) amendments be adopted?

#### HOUSE JOINT RESOLUTION ON FIRST READING.

(By Unanimous Consent.)

The following House joint resolution was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Lee:

H. J. R. No. 36, Proposing and submitting to a vote of the people of Texas an amendment to Section 5 of Article 12 of the Constitution of the State of Texas, prohibiting the issuance by any railroad company or street railway company of this State all free passes to any person other than a bona fide employe in the actual service of such railway or street railway company.

#### HOUSE BILLS ON FIRST READING.

(By Unanimous Consent.)

The following House bills were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Beard of Harris:

H. B. No. 657, A bill to be entitled "An Act to prohibit the damaging or destruction of any sign; sign post or billboards on any street, road or public highway in this State, or near any street, road or public highway in this State, without the consent of the owner thereof; making same a misdemeanor; prescribing a penalty for the violation thereof, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. O'Banion:

H. B. No. 658, A bill to be entitled "An Act making it the duty of foreign railway corporations, owning a line of railway in this State, at all times to have an agent in the State upon whom citation and other judicial process may be served for such corporation, providing how such agents shall be designated

in case of receiverships, and providing for service upon the Railroad Commission of Texas for such corporations in cases of failure to designate such agents, and declaring an emergency."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Bedell (by request):

H. B. No. 659, A bill to be entitled "An Act to authorize and permit the owners and claimants of the La Prieta grant of land made to the towns of Socorro and San Elizario in El Paso and other counties in the State of Texas to sue the State to recover same, and to establish or determine the title thereto, and to fix the venue for any suit to recover said land."

Referred to Committee on State Affairs.

By Mr. Laney:

H. B. No. 660, A bill to be entitled "An Act to regulate the business of making abstracts to land titles in the State of Texas, and requiring the execution of bonds by persons, firms and corporations engaging in such business, and prescribing a punishment for engaging in such business without having executed a bond."

Referred to Judiciary Committee.

By Mr. Terrell, Mr. Cadenhead, Mr. Thompson of Red River, Mr. Spencer of Nolan, Mr. Clark and Mr. Neill:

H. B. No. 661, A bill to be entitled "An Act to amend Sections 1 and 43 of Chapter 45, of the General Laws of the State of Texas, enacted at the Second Called Session of the Thirty-third Legislature, vesting the control, management and supervision of said law in the Commissioner of Agriculture by conferring upon said Commissioner the authority heretofore vested by Sections 1 and 43 in the Commissioner of Insurance and Banking and the Board of Supervisors of Warehouses, and repealing Sections 4, 5 and 6 of the said Chapter 5, of the General Laws of the State, enacted at the Second Called Session of the Thirty-third Legislature."

Referred to Committee on Agriculture.

By Mr. Terrell, Mr. Neill, Mr. Thompson of Red River, Mr. Spencer of Nolan, Mr. Clark and Mr. Cadenhead:

H. B. No. 662, A bill to be entitled "An Act to confer upon the Comptroller of Public Accounts of this State all the duties, powers and authority now conferred by Articles 6283, 6284 and 6285, Chapter 2, Title 105, Revised Civil Stat-

utes, 1911, abolishing the office of Commissioner of Pensions and providing that all duties and services now required by law to be performed by the Commissioner of Pensions shall be performed by the Comptroller of Public Accounts of this State, and repealing all laws and parts of laws in conflict with this act."

Referred to the Committee on State Affairs.

By Mr. Terrell, Mr. Clark, Mr. Cadenhead, Mr. Thompson of Red River, Mr. Spencer of Nolan and Mr. Neill:

H. B. No. 663, A bill to be entitled "An Act to confer upon the Comptroller of Public Accounts of this State all the duties and powers now conferred upon the State Revenue Agent by Articles 7366, 7367 and 7368 of Chapter 1, Title 126, and Article 7392, Chapter 2, Title 126, Revised Civil Statutes of the State, 1911, and to require the Comptroller of Public Accounts to perform all duties and services now required by law to be performed by the State Revenue Agent, abolishing the office of State Revenue Agent, and repealing all laws in conflict with this act."

Referred to the Committee on Revenue and Taxation.

By Mr. Cox:

H. B. No. 664, A bill to be entitled "An Act to amend Article 1460 of Chapter 2, Title 29, of the Revised Civil Statutes of Texas, so as to provide for the election of county auditors and repealing all laws and parts of laws in conflict herewith."

Referred to Committee on State Affairs.

By Mr. Sholars:

H. B. No. 665, A bill to be entitled "An Act to amend Sections 4, 6, 8, 10, 11, 14 and 15, Chapter 63, of the Special Laws of the Thirty-second Legislature, relating to Hardin county road system, etc., and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Fisher (by request):

H. B. No. 666, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Cope:

H. B. No. 667, A bill to be entitled "An Act incorporating and creating the Paducah Independent School District in Cottle county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Miller of Dallas:

H. B. No. 668, A bill to be entitled "An Act to authorize the creation of private corporations under the general corporation laws of this State, with power and authority to act as adjusters for insurance companies of losses sustained by such companies doing business in this State, which issue policies or contracts of indemnity against loss or damage to real or personal property of any character, without regard to the contingency or cause against which such policies or contracts provide indemnity, and with authority and power in such corporations to receive and handle and dispose of salvage arising in or incident to such adjustments; and with power and authority to make inspections for insurance companies of risks and report thereon; provided, however, such corporations shall not be authorized to act as local agents in issuing policies of insurance, fixing the minimum capital stock of such corporations, making such companies and its agents and representatives subject to insurance laws of this State, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Davis of Dallas, Mr. Laney and Mr. Florer:

H. B. No. 669, A bill to be entitled "An Act to amend Sections 2, 3 and 14 of an act creating the county court of Dallas county at law, passed at the Regular Session of the Thirtieth Legislature of the State of Texas, and approved April 3, 1907, and adding thereto Sections 15 and 16, so as to restore to the county court of Dallas county jurisdiction in all matters and causes, civil and criminal, over which by the general laws of the State county courts have jurisdiction, providing for the manner of filing and transferring cases, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Harris:

H. B. No. 670, A bill to be entitled "An Act incorporating and creating the Knippa Independent School District of

Uvalde county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Fairchild and others:

H. B. No. 671, A bill to be entitled "An Act declaring that all bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States July 17, 1916, shall be lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits where deposits of bonds or mortgages are authorized by law to be accepted, declaring such bonds lawful investments for all funds which may be lawfully invested by guardians, administrators, trustees and receivers, for savings departments of State banks, for banks, savings banks, and trust companies chartered under the laws of Texas, for all insurance companies chartered or transacting business under the laws of Texas where investments are required or permitted, and providing that where such bonds are secured by notes or other obligation the payment of which is secured by mortgage, deed of trust, or other valid lien upon real estate situated in this State, then such bond or bonds shall be regarded for investment purposes by insurance companies as Texas securities, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Taylor and Mr. Neill:

H. B. No. 672, A bill to be entitled "An Act to create a more efficient road system for Callahan county, Texas, etc., and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Russell:

H. B. No. 673, A bill to be entitled "An Act creating the Skidmore Independent School District, known as Common School District No. 1, in Bee county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Bryan:

H. B. No. 674, A bill to be entitled "An Act to amend Article 1390, Chapter 5, Title 28, of the Revised Civil Statutes of 1911 of the State of Texas, and to prescribe how the county judge or any two members of the commissioners court of any county may be petitioned to order an election for the removal of county seat."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Crudgington, Mr. Templeton and Mr. Morris:

H. B. No. 675, A bill to be entitled "An Act to permit the Enid, Ochiltree & Western Railroad Company and the owners of its properties, purchased at receiver's sale and its and their assigns, trustees and representatives, to take up and remove its railroad construction heretofore made from within the city of Dalhart, in Dallam county, Texas, to the terminus of its track, approximately thirteen miles in an easterly direction in Hartley county, Texas, and to sell and dispose of same and abandon the same, and declaring an emergency."

Referred to Committee on Private Corporations.

By Mr. McFarland, Mr. Dudley, Mr. Denton and Mr. Thomason of El Paso.

H. B. No. 676, A bill to be entitled "An Act to amend Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature approved April 9, 1913, relating to the prospecting for and the development of the minerals and other substances in the public land, public islands and public waters and river beds and channels owned by the State and in the unsold land belonging to the public free school fund, the University fund and the several asylum funds and in such of said land as has heretofore been sold or may hereafter be sold with the reservation of the minerals and other substances therein to the fund to which the land belongs; providing the royalty and other sums and compensation to be paid to the State and owners of the surface and appropriating the proceeds to certain funds; providing for ingress and egress; providing one may pay cash for mineral claims, and obtain patents and change former claims to rights under this act; providing for adoption of rules and regulations by the Commissioner of the General Land Office; repealing the remaining portion of this said Chapter 173, which may not be amended and all other statutes in conflict with this act, and declaring an emergency."

Referred to Committee on Mines and Mining.

By Mr. McFarland:

H. B. No. 677, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State Normal College, to be located at Alpine in Brewster county, Texas."



to be known as the Southwest State Normal College, and declaring an emergency."

Referred to Committee on Education.

By Mr. Blackmon:

H. B. No. 678, A bill to be entitled "An Act to amend Article 2771, Title 48, Chapter 12, of the Revised Civil Statutes of 1911 of the State of Texas; providing for the selection of treasurer of the school fund in an independent district of more than one hundred and fifty scholastics, whether it be a city which has assumed control of the school within its limits or a corporation for school purposes only; providing for bond to be executed by the treasurer, and fixing the conditions of said bond."

Referred to Committee on Education.

#### SENATE BILL ON FIRST READING.

The following Senate bill was laid before the House, read first time, and referred to the appropriate committee as follows:

Senate bill No. 225, to the Committee on Education.

#### ADJOURNMENT.

Mr. Bertram moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Cope moved that the House adjourn until 10 o'clock a. m. Wednesday, February 14.

The motion to adjourn prevailed; and the House accordingly, at 5:10 o'clock p. m., adjourned until 10 o'clock a. m. Wednesday, February 14.

#### APPENDIX.

#### REPORT OF COMMITTEE ON APPROPRIATIONS.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 647, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Mendell has been appointed to make a full report thereon.

PEYTON, Chairman.

#### REPORT OF COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred Senate bill No. 226, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Fisher has been appointed to make a full report thereon.

WILLIAMS of McLennan, Chairman.

#### REPORTS OF COMMITTEE ON EDUCATION.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 645, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 640, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,  
Austin, Texas, February 10, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 644, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Peddy has been appointed to make a full report thereon.

THOMASON of Nacogdoches, Chairman.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education,

to whom was referred House bill No. 591, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with amendment. Mr. Meador has been appointed to make a full report thereon.

THOMASON of Nacogdoches, Chairman.

Committee Room,  
Austin, Texas, February 10, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 627, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Bedell has been appointed to make a full report thereon.

THOMASON of Nacogdoches, Chairman.

Committee Room,  
Austin, Texas, February 10, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 241, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass. Mr. Clark gave notice of a minority report.

THOMASON of Nacogdoches, Chairman.

#### REPORT OF COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

Committee Room,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Constitutional Amendments, to whom was referred Senate Joint Resolution No. 12, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Tillotson has been appointed to make a full report thereon.

TERRELL, Chairman.

#### REPORTS OF COMMITTEE ON INSURANCE.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Insurance, to whom was referred House bill No. 579, have had the same under consideration and I am instructed to report it back to the House with the recommendation that

it do pass. Mr. Bryant has been appointed to make a full report thereon.

PILLOW, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Insurance, to whom was referred House bill No. 446, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

PILLOW, Chairman.

#### REPORTS OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred Senate bill No. 85, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

TEMPLETON, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 651, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

TEMPLETON, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 631, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendment.

TEMPLETON, Chairman.

#### REPORT OF COMMITTEE ON LABOR.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Labor, to

whom was referred Senate bill No. 63, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

TAYLOR, Chairman.

#### REPORTS OF COMMITTEE ON MUNICIPAL CORPORATIONS.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 534, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

MENDELL, Chairman.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 618, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Dunnam has been appointed to make a full report thereon.

MENDELL, Chairman.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 522, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Crudginton has been appointed to make a full report thereon.

MENDELL, Chairman.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 219, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr.

Carlock has been appointed to make a full report thereon.

MENDELL, Chairman.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred Senate bill No. 238, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Nichols has been appointed to make a full report thereon.

MENDELL, Chairman.

#### REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

Committee Room,  
Austin, Texas, February 9, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred House bill No. 611, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

CLARK, Chairman.

#### REPORT OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 654, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BLAND, Chairman.

Committee Room,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 653, have had the same under consideration and I am instructed to report it back to the House

with the recommendation that it do pass.

BLAND, Chairman.

Committee Room,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 610, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BLAND, Chairman.

Committee Room,  
Austin, Texas, February 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 612, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendment.

BLAND, Chairman.

#### REPORT OF COMMITTEE ON PUBLIC LANDS AND LAND OFFICE.

Committee Room,  
Austin, Texas, February 8, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 208, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendments. Mr. Fly has been appointed to make a full report thereon. Mr. Bryan and Mr. McFarland gave notice of minority report.

POPE, Chairman.

#### REPORT OF COMMITTEE ON REVENUE AND TAXATION.

Committee Room,  
Austin, Texas, February 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Revenue and Taxation, to whom was referred Senate bill No. 165, have had the same under consideration and I am instructed

to report it back to the House with the recommendation that it do pass. Mr. Nichols has been appointed to make a full report thereon.

NEILL, Chairman.

#### TWENTY-SEVENTH DAY.

(Wednesday, February 14, 1917.)

The House met at 10 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Bagby.	Hawkins.
Baker.	Hill.
Beard of Harris.	Holland.
Beard of Milam.	Hudspeth.
Beasley.	Johnson.
Beason.	Laas.
Bedell.	Lacey.
Bell.	Laney.
Bertram.	Lange.
Blackburn.	Lanier.
Blackmon.	Lee.
Blalock.	Lindemann.
Bland.	Lowe.
Bledsoe.	of McMullen.
Boner.	Low.
Brown.	of Washington.
Bryan.	McComb.
Bryant.	McCoy.
Burton of Rusk.	McDowra.
Burton of Tarrant.	McFarland.
Butler.	McMillin.
Cadenhead.	Martin.
Canales.	Meador.
Carlock.	Mendell.
Cates.	Metcalfe.
Clark.	Miller of Austin.
Cope.	Miller of Dallas.
Cox.	Monday.
Crudgington.	Moore.
Davis of Dallas.	Morris.
Davis of Grimes.	Murrell.
Davis.	Neeley.
of Van Zandt.	Neill.
De Bogory.	Nichols.
Denton.	Nordhaus.
Dodd.	O'Banion.
Dudley.	Osborne.
Dunnam.	Parks.
Estes.	Peddy.
Fairchild.	Peyton.
Fisher.	Pillow.
Fitzpatrick.	Poage.
Florer.	Pope.
Fly.	Raiden.
Greenwood.	Reeves.
Haidusek.	Richards.
Hardey.	Robertson.
Harris.	Roemer.
Hartman.	Rogers.